IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

TUESDAY, THE 31ST JULY 2007 / 9TH SRAVANA 1929

OP.No. 4829 of 2002(Y)

PETITIONER:

A.K.PADMAVATHY,AGED 59,D/O.KUNJAN,
"PADMASREE", VARIAM LANE, PATTURACKAL,
REPRESENTED BY HER NEXT FRIEND AND DAUGHTER,
MANJU, AGED 26, RESIDING AT "PADMASREE",
VARIAM LANE, PATTURACKAL, THRISSUR DISTRICT.

BY ADV. SRI.S.SUGATHAN
SRI.V.A.PRADEEP KUMAR

RESPONDENTS:
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1. **THE STATE OF KERALA,**
REPRESENTED BY ITS SECRETARY,LOCAL SELF GOVERNMENT
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. **THE DIRECTOR,**
MUNICIPAL ADMINISTRATION, THIRUVANANTHAPURAM.

3. **THE SECRETARY,**
MUNICIPAL OFFICE, THRISSUR.

BY ADV. SRI.K.B.MOHANDAS,SC,THRISSUR CORPORATION
SRI.LELLULAL T.G.THUNDATHIL
SRI.K.A.SREEJITH
GOVERNMENT PLEADER SRI.K.V.MANOJ

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 31/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP. NO.4829/2002

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE MEDICAL CERTIFICATE.

EXT.P2 SERIES: - COPIES OF MEDICAL CERTIFICATES

EXT.P3(a):- COPY OF THE NOTICE IN MALAYALAM.

EXT.P3(b):- COPY OF THE NOTICE IN MALAYALAM.

EXT.P4(a):- COPY OF THE NOTICE IN MALAYALAM.

EXT.P4(b):- COPY OF THE ENGLISH TRANSLATION OF THE ABOVE.

EXT.P5(a):- COPY OF THE LETTER IN MALAYALAM.

EXT.P5(b):- COPY OF THE ENGLISH TRANSLATION OF THE ABOVE.

EXT.P6(a):- COPY OF THE MEMO IN MALAYALAM.

EXT.P7:- COPY OF THE LAWYER'S NOTICE.

EXT.P8:- COPY OF THE POSTAL RECEIPTS.

EXT.P9:- COPY OF THE ACKNOWLEDGEMENTS.

/TRUE COPY/

P.A. TO JUDGE

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T.R.RAMACHANDRAN NAIR, J.

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O.P.No.4829 of 2002-Y.

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Dated this the 31st day of July, 2007.

J U D G M E N T

The petitioner, while working as an Upper Division Clerk in the office of the 3rd respondent, retired from service on 28.2.1997. The case of the petitioner is that she was suffering Anxiety Neurosis, Endogenous depression, etc., since 1986 and had been under going treatment for mental disorders. She has filed this writ petition through her next friend. Going by the averments in the writ petition she entered the Municipal service on 3.12.1969 and was transferred to the office of the 3rd respondent on 12.10.1986.

2. According to the case pleaded by the petitioner, even though applications were filed seeking pension, no orders have been passed by the authorities. It is also the case of the petitioner that pending consideration of the applications the 3rd respondent has served a charge memo to the petitioner evidenced by Ext.P3(a). Ext.P4(a) is a further notice issued by the Secretary, Municipal Office, Thrissur informing her that her applications for leave and the medical certificates have been forwarded to the Director of Municipal Administration. According to the petitioner, she had complied with all the

formalities and inspite of the same the pension, DCRG, GPF, etc., have not been sanctioned. She sent a lawyer notice Ext.P7 complaining that no action has been taken after the receipt of the same. This writ petition has therefore been filed seeking various reliefs.

3. Counter-affidavits have been filed on behalf of respondents 1 and 3. In the counter-affidavit filed by the 1st respondent it is stated that she joined Thrissur Corporation after getting relieved from Guruvayur Municipality on 9.10.1986. The application for pensionary benefits was filed only on 10.7.2002. The Secretary of the Thrissur Corporation reported that even though she joined the Corporation on 9.10.1986 she was on leave for various spells which are detailed in the counter-affidavit. The leave applications which were supported by medical certificates were forwarded to the Government for sanction the leave applied for by the petitioner. As regards various periods of her absence noted in page 3 of the counter-affidavit, it is averred that she has not submitted any applications for leave. It is also averred that the Secretary has reported that many notices were issued to the petitioner requesting to submit leave application along with proper medical certificates and she has not submitted the same. Therefore the question of granting pensionary benefits can be considered only after the regularisation of the period of absence.

4. In the counter-affidavit filed on behalf of the 3rd respondent it is stated that the petitioner submitted her pension papers more than only 5 ½ years after her superannuation on 10.7.2002. After the receipt of the same they were despatched from the Thrissur Municipal Office to the Deputy Director , Local Fund Audit along with letter dated 18.7.2002. The service book of the petitioner was returned by the Deputy Director, Local Fund Audit pointing out that there are several defects in the service book and that they are to be rectified before the pensionary benefits could be disbursed. It is further averred that the 3rd respondent has taken various steps in the matter and had directed her to submit the leave application for the different spells of her absence and the same have not been responded to by the petitioner. It is also averred that the period of suspension between 2.7.1986 to 11.9.1986 while she was working at the Guruvayur Municipality is yet to be regularised by the Government.

5. Therefore, it is a case where there is want of response from the petitioner as regards regularisation of her period of suspension and different periods of leave. The petitioner is therefore directed to furnish replies to the memos issued by the Thrissur Corporation and produce leave application accompanied by medical certificate for the different spells for regularising the said period. On submission of the same, the 2nd respondent will take

appropriate action in the matter with the concurrence of the 1st respondent and thereafter action will be taken to release necessary pension to the petitioner without further delay. One aspect to be noted is the averments in the original petition regarding the State of health of the petitioner . It is also stated that she is suffering from mental disorders. Hence the necessary communications to her has to be routed through her daughter and next friend whose name is shown in the cause title to the original petition. The 3rd respondent will see to it that a competent officer under him is deployed to render necessary help to them to submit all necessary applications.

With the above direction, this writ petition is disposed of. No costs.

T.R.RAMACHANDRAN NAIR, JUDGE.

Kvs/-